HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.5049 OF 2007

Between:

Mohd. Abdul Quddus Ghori

…Petitioner

AND

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Department, Secretariat, Hyderabad
and seven others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri C. Damodar Reddy

23rd March, 2007

Per G.S.SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayer:

> "It is therefore prayed that this Hon'ble court may be pleased to pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus declaring the action respondent Nos.1 to 5 in allowing respondent Nos. 6 to 8 in making illegal constructions by encroaching upon the proposed 80' road leading from Charminar – Falaknuma Palace, contrary to the notified road widening programme vide the Memo.No.D3/4951/2005 dated: 12.7.2005 issued by the first respondent, as bad, illegal, arbitrary, unjust, unconstitutional and against the natural justice and consequently direct respondent Nos. 1 to 5 to implement the 80' road widening programme from Charminar – Falaknuma Palace by removing the illegal constructions raised by respondent Nos.6 to 8 by encroaching upon the road and pass such other and further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case, in the interest of justice".

After arguing the case for sometime, learned counsel for the petitioner made a request that his client may be permitted to withdraw the petition at this stage with liberty to represent his grievance before the Municipal Corporation of Hyderabad. He also requested that the Court may direct the concerned authority to consider the representation made by the petitioner and decide the same within a specified time frame.

In the peculiar circumstances, we accept the request of the learned counsel and dismiss the writ petition with liberty in terms of the prayer made.

If the petitioner makes a representation against the alleged illegal

construction made by respondent Nos. 6 to 8, then the concerned authority of the Municipal Corporation shall consider and decide the same within seven days. If the petitioner feels aggrieved by the decision of the competent authority, then he shall be free to avail appropriate legal remedy.

As a sequel to dismissal of the writ petition, WPMP No.6460 of 2007 filed by the petitioner is disposed of as infructuous.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

23rd March, 2007
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